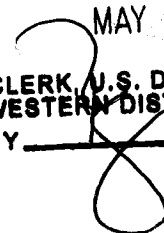


FILED

MAY 20 2013

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERKUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISIONUNITED STATES OF AMERICA
ex rel. MARIA FERIA, et al.,

Plaintiffs,

v.

DEVRY, INC., et al.,

Defendants.

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Civ. A. No. SA:12-ca-0843-XR

**FILED UNDER SEAL
AND IN CAMERA****UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, the government respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; provided, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id. Therefore, the United States requests that, should the relator, the states or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the views of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the United States' counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claims.

The United States also requests that it be served with all notices of appeal.

Finally, the United States understands that several states are still investigating the relator's allegations and that at least one state – Illinois – has moved under state law for an extension of the intervention period and seal over this case. The United States does not oppose Illinois' request for an extension of the intervention and seal periods under its state statute while it is actively investigating this matter. The United States will monitor the progress of the states' investigations and reserves the right to request, at a later date, that the Complaint be unsealed and served upon the defendant. A proposed order accompanies this notice.

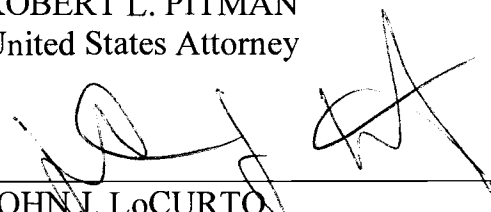
Date: May 20, 2013

Respectfully submitted,

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Acting Assistant Attorney General

ROBERT L. PITMAN
United States Attorney

By:



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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I certify that, on May 20, 2013, I caused the United States' Notice of Election to Decline Intervention and proposed order to be served via electronic mail on counsel listed on the attached service list.



JOHN J. DeCURTO

Service List

Relator's Counsel: Jennifer McIntosh Waters Kraus & Paul 711 Van Ness, Suite 220 San Francisco, CA 94102 jmcintosh@waterskraus.com	California: Richard J. Cutler Deputy Attorney General California Department of Justice 1300 I Street Sacramento, CA 95814 richard.cutler@doj.ca.gov
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North Carolina: Jennifer Epperson Assistant Attorney General North Carolina Department of Justice 3824 Barrett Drive Raleigh, N.C. 27609 jepperson@ncdoj.gov	Rhode Island: Jim Lee Chief, Civil Division Rhode Island Department of Attorney General 150 South Main Street Providence, RI 02903 jlee@riag.ri.gov
Tennessee: Lyndsay F. Sanders Senior Counsel False Claims (non-Medicaid) Team Leader State of Tennessee Attorney General Consumer Advocate and Protection Division P.O. Box 20207 Nashville, TN 37202-0207 lindsay.sanders@ag.tn.gov	Virginia: Wesley Russell Assistant Attorney General, Education Section Office of the Attorney General of Virginia 900 East Main Street Richmond, Virginia 23219 wrussell@oag.state.va.us

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA
ex rel. MARIA FERIA, et al.,

Plaintiffs,

v.

DEVRY, INC., et al.,

Defendants.

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Civ. A. No. SA:12-ca-0843-XR

SEALED ORDER

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the Court ORDERS as follows:

1. The parties shall serve all pleadings, motions and other papers filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts. The United States is entitled, at any time, to intervene in this action for good cause and/or to request that the Complaint be unsealed and served upon the defendant.

2. The parties shall serve all notices of appeal upon the United States.

3. All orders of this Court shall be sent to the United States.

4. Should the relator, the states, or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

SO ORDERED. SIGNED this ____ day of _____, 2013.

HON. XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE